

Counsel appearing on following page

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et al.*,

Petitioners,

v.

FELIX P. CAMACHO, *et al.*,

Respondents.

Civil Case No. 04-00006

**FILED**  
DISTRICT COURT OF GUAM

OCT 15 2007 *ph*

**JEANNE G. QUINATA**  
Clerk of Court

CHARMAINE R. TORRES, *et al.*,

Plaintiffs,

v.

GOVERNMENT OF GUAM, *et al.*,

Defendants.

MARY GRACE SIMPAO, *et al.*,

Plaintiffs,

v.

GOVERNMENT OF GUAM,

Defendant,

v.

FELIX P. CAMACHO, Governor of Guam

Intervenor-Defendant.

**SIMPAO PLAINTIFFS'  
MOTION TO PLACE EXHIBITS  
UNDER SEAL**

SIMPAO PLAINTIFFS' MOTION TO  
PLACE EXHIBITS UNDER SEAL

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1 COME NOW Plaintiffs Mary Grace Simpao, Christina Naputi and Janice Cruz,  
2 hereinafter "*Simpao* Plaintiffs," by and through counsel Shimizu Canto & Fisher and Tousley  
3 Brain Stephens PLLC, to move this Honorable Court to place under seal various Exhibits  
4 attached to a Declaration filed by *Simpao* Plaintiffs with this Court on October 12, 2007, and to  
5 deny access to said Exhibits to all other parties to the consolidated actions and the public in  
6 general. *Simpao* Plaintiffs do not request oral argument on this motion but do request expedited  
7 disposition of the matter to prevent further injury to *Simpao* Plaintiffs.

8  
9 **THIS COURT SHOULD PLACE UNDER SEAL ANY PREVIOUSLY FILED**  
10 **EXHIBITS THAT CONSTITUTE PRIVILEGED ATTORNEY WORK PRODUCT.**

11 On October 12, 2007, *Simpao* Plaintiffs filed a *DECLARATION OF JAMES L. CANTO*  
12 *IN SUPPORT OF SIMPAO PLAINTIFFS' SECOND APPLICATION FOR ATTORNEYS' FEES*  
13 *AND COSTS* (hereinafter "Declaration"), pursuant to this Court's Order of September 13, 2007,  
14 wherein the Court ordered "parties shall file declarations and detailed billing statements/reports".

15 Several portions of the Exhibits attached to the Declaration were publicly filed with the  
16 Court inadvertently. *Simpao* Plaintiffs intended to file these Exhibits under seal so that the Court  
17 could review them *in camera* without revealing the information to Defendant and other  
18 Plaintiffs. Whereas the Defendant might be entitled to view the information post-judgment, the  
19 fact is that the case is still currently in a litigation, pre-judgment posture. Accordingly, the  
20 information sought to be placed under seal for the Court's exclusive *in camera* review falls under  
21 the attorney work product privilege and is not admissible or discoverable.

22 The materials in question are specifically: Exhibits 3, 4 & 5 attached to the Declaration,  
23 and Exhibits A & B attached to the *DECLARATION OF NANCY A. PACHARZINA IN*  
24 *SUPPORT OF SIMPAO PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS*,


1 which itself in turn is attached as Exhibit 6 to the Canto Declaration. All of Exhibits 3, 4 & 5;  
2 everything following the first page of this Exhibit A; and everything following the first page of  
3 this Exhibit B are privileged attorney work product.

4 Exhibits 3, 4, 5 & 6A show the description of activities performed by the attorneys  
5 working on this case for the *Simpao* Plaintiffs, which undeniably qualifies for protection under  
6 the attorney work product privilege. Exhibit 6B also contains information coming under the  
7 attorney work product privilege because it pertains to consultation between attorneys and  
8 retained experts.

9 Thus *Simpao* Plaintiffs respectfully move this Court to remove the aforementioned items  
10 from *Simpao* Plaintiffs' October 12, 2007 filing, and from the public record, and place them  
11 under seal for the Court's *in camera* review exclusively. Furthermore, the Court should not  
12 include these items as part of the Electronic Docket in these consolidated cases. Finally, this  
13 Court should prevent access to this information at this time to Defendant and other Plaintiffs in  
14 these consolidated cases, and the public in general, and the Court should deny any use of the  
15 information by Defendant and other Plaintiffs in the event persons are in possession of the  
16 information through *Simpao* Plaintiffs' inadvertence or otherwise.

17 Respectfully submitted this 15th day of October, 2007.

18 SHIMIZU CANTO & FISHER

19  
20 By:   
21 James L. Canto II

22 TOUSLEY BRAIN STEPHENS PLLC  
23 Kim D. Stephens, P.S., *Pro Hac Vice*  
24 Nancy A. Pacharzina, *Pro Hac Vice*

25 Attorneys for Plaintiffs *Simpao*, Naputi & Cruz

## CERTIFICATE OF SERVICE

I, JAMES L. CANTO II, certify that I caused a copy of the foregoing document here filed to be served on the following individuals or entities on October 15, 2007, via hand delivery at the following addresses:

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Respectfully submitted this October 15, 2007

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